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Entered - 8-31-99 - sb  
CL 99L0551 - DOBBS JORDAN  
00-*R*-0168

CLAIM OF: MICHAEL T. DUNCAN  
1551 Sarah M. Harden Drive, S.W.  
Atlanta, Georgia 30311

For damages alleged to have been sustained  
as a result of a vehicular incident on August 16,  
1999 at 19 Ashby Street, N. W.

THIS ADVERSED REPORT IS

APPROVED:

*Rosalind Rubens Newell*  
ROSALIND A. RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED REPORT

*Public Safety*

*2/15/2000*

*Alfred Heavilin*

*Sherry Jones*

*Michael D. Smith*

*[Signature]*

*Darryl Hill*

ADVERSED TO  
CITY COUNCIL FEB 21 2000

*John M. Spaw*  
FEB 21 2000  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
FEB 21 2000  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 28, 2000

Michael T. Duncan  
1551 Sarah M. Harden Dr., SW  
Atlanta, GA 30311

00-R-0168


Dear Mr. Duncan:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0551

Date: January 5, 2000

Claimant /Victim MICHAEL T. DUNCAN  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1551 Sarah M. Harden Drive, S.W., Atlanta, Georgia 30311  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,541.51 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8-24-99 Method: Written, proper \_\_\_\_\_ Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 8-16-99 Place: 19 Ashby Street, N. W.  
Department Public Works Bureau Waste Water Services Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Dept. Action \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle allegedly sustained damage in the above-listed amount when it was driven over a damaged sewer-grate in the roadway. An investigation determined that the City did not have any prior notice regarding the condition of the sewer-grate at this location.

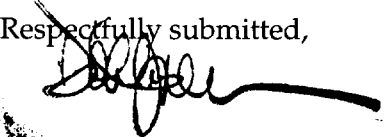
INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

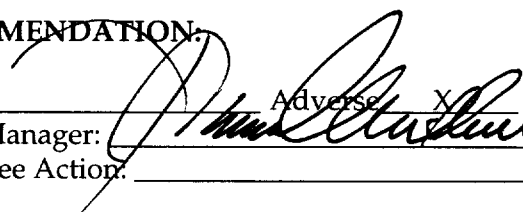
BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DOBBS, JORDAN

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 01-21-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: August 23, 1999

ENTERED - 8-31-99 - SB  
99L0551 - DOBBS JORDAN

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1541.51 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 6 / 16 / 99  
(month/day/year)
2. Police called: ✓  
Yes No
3. Location of incident: 20 Ashby St
4. Name of your insurance company: ATLANTA Casualty Co Policy No. 66463658
5. State what and how incident occurred: I WAS DRIVING NORTH ON ASHBY STREET AFTER I PAST MARTIN LUTHER KING DR. MY CAR FELL IN A UNCOVERED SEWER CAP AT ABOUT 25 MPH.
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: olds 56 76 4211 QF Michael Todd DUNCAN  
(make) (year) (tag number) (driver's name)  
City vehicle: \_\_\_\_\_  
(make) (City driver's name) (department/bureau)
8. Witness: MR. RILEY LEWIS 794 Chestnut Place Atlanta GA (404) 651-3520  
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Michael T. Duncan  
(claimant's name)

1557 Sarah M. Haddon DR. S.W.  
(address)

ATLANTA, GA 30311  
(city and state)

00-R-0168

(404) 355-1650 (404) 753-3559  
(work number) (home number)

RCS# 1771  
2/21/00  
2:37 PM

Atlanta City Council

Regular Session

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CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM  
CONSENT AGENDA  
00-O-0122  
00-O-0123  
00-R-0202  
00-R-0020

00-O-0212 - Councilmember  
Boazman Abstained

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 \*
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting  
ITEMS ADVERSED ON  
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

\* Councilmember Boazman  
abstained from voting on item 00-  
O-0212.